

**4090. Adulteration and misbranding of cognac (so called). U. S. v. 3 Cases containing 12 Bottles of Cognac (so called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5838. I. S. No. 26501-h. S. No. E-81.)**

On August 3, 1914, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 bottles of cognac (so called), remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the product had been shipped, on or about December 9, 1913, by Puziello, Luccaro & Co., Brooklyn, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "Fragile (and old guaranty legend, serial No. 12546) Old Brandy Cognac (shoulder sticker bearing three stars)." The bottles were labeled: "Old Quality Export Th Chattier (design, bunch of grapes) Cognac." The shoulder labels on the bottles bore three stars.

Adulteration was alleged in the libel for the reason that the article was not a brandy of the cognac type, but neutral spirits colored in imitation of brandy had been substituted in whole or in part, and had been mixed and packed with the brandy in such a manner as to reduce or lower or injuriously affect the quality and strength of the product.

Misbranding was alleged for the reason that the labels on the retail packages purported the product to be "Old Quality Export Cognac," and indicated that it was produced in the Cognac district of France, when, in truth and in fact, the product was an imitation cognac and consisted wholly or in part of neutral spirits colored in imitation of brandy, and in that the product was not of foreign origin.

On July 7, 1915, the said Puziello, Luccaro & Co., Brooklyn, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 26, 1915.